

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JOEY DENNIS,

Plaintiff,

v.

D. SAMUEL, et al.,

Defendants.

No. 2:23-cv-06294-MCS-BFM

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE**

On July 31, 2023, Plaintiff filed a pro se civil rights complaint, complaining that CDCR has denied him contact visits with his family and otherwise limited his family's ability to visit him in custody. (ECF No. 1.) The Court denied Plaintiff's request to proceed in forma pauperis. (ECF No. 11.) The Court instructed him to file a First Amended Complaint by September 7, 2023, and warned him that if he did not do so, his case would be dismissed without prejudice. On August 21, 2023, Plaintiff filed a request to dismiss his case without prejudice. (ECF No. 6.)

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss his case upon filing a notice of dismissal before the opposing party has

1 served its answer. Plaintiff is within that timeframe. The Court therefore
2 construes his “request” as a notice of dismissal. The case is dismissed without
3 prejudice. *See* Fed. R. Civ. P. 41(a)(1)(B).

4
5
6 DATED: August 30, 2023



HONORABLE MARK C. SCARSI
UNITED STATES DISTRICT JUDGE